

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 2217

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MORRIS.

5911H.01P

D. ADAM CRUMBLISS, ChiefClerk

AN ACT

To amend chapter 376, RSMo, by adding thereto one new section relating to fees for optometric and ophthalmic services.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 376, RSMo, is amended by adding thereto one new section, to be
2 known as section 376.685, to read as follows:

376.685. 1. **No agreement between a health carrier or other insurer that writes
2 vision insurance and an optometrist for the provision of vision services on a preferred or
3 in-network basis to plan members or insurance subscribers in connection with coverage
4 under a stand-alone vision plan, medical plan, health benefit plan, or health insurance
5 policy shall require that an optometrist provide optometric or ophthalmic services or
6 materials at a fee limited or set by the plan or health carrier unless the services or materials
7 are reimbursed as covered services under the contract.**

8 2. **No provider shall charge more for services or materials that are not covered
9 under a health benefit or vision plan than his or her usual and customary rate for those
10 services or materials.**

11 3. **Reimbursement paid by the health benefit or vision plan for covered services or
12 materials shall be reasonable and shall not provide nominal reimbursement in order to
13 claim that services or materials are covered services. No health carrier shall provide de
14 minimis reimbursement or coverage in an effort to avoid the requirements of this section.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 **4. No vision care insurance policy or vision care discount plan that provides**
16 **covered services for materials shall have the effect, directly or indirectly, of limiting the**
17 **choice of sources and suppliers of materials by a patient of a vision care provider.**

18 **5. Notwithstanding any other provisions in this section, nothing shall prohibit an**
19 **optometrist from contractually opting in to an optometric services discount plan sponsored**
20 **by a stand-alone vision plan, medical plan, health benefit plan, or health insurance policy.**

21 **6. For the purposes of this section, the following terms mean:**

22 **(1) "Covered services", optometric or ophthalmic services or materials for which**
23 **reimbursement from the health benefit or vision plan is provided for by an enrollee's plan**
24 **contract, or for which a reimbursement would be available but for the application of the**
25 **enrollee's contractual limitations of deductibles, copayments, coinsurance, waiting periods,**
26 **annual or lifetime maximums, alternative benefit payments, or frequency limitations;**

27 **(2) "Health benefit plan", the same meaning as such term is defined in section**
28 **376.1350;**

29 **(3) "Health carrier", the same meaning as such term is defined in section 376.1350;**

30 **(4) "Materials", includes, but is not limited to, lenses, frames, devices containing**
31 **lenses, prisms, lens treatment and coatings, contact lenses, orthoptics, vision training**
32 **devices, and prosthetic devices to correct, relieve, or treat defects or abnormal conditions**
33 **of the human eye or its adnexa;**

34 **(5) "Optometric services", any services within the scope of optometric practice**
35 **under chapter 336;**

36 **(6) "Vision plan", any policy, contract of insurance, or discount plan issued by a**
37 **health carrier, health benefit plan, or company that provides coverage or a discount for**
38 **optometric or ophthalmic services or materials.**

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